REMARKS

The present communication responds to the Final Office Action dated October 27, 2006.

Claim Rejections under 35 U.S.C. § 103

Jacobson et al. in view of Schenker et al.

Claims 1-2, 4, 17-18, 24-26 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 03/019422 A1 to Jacobson et al. in view of U.S. Patent 6,633,223 to Schenker et al. This rejection is traversed at least for the following reasons.

As has previously been explained, Jacobson et al. and Schenker et al. are not properly combinable to for the purposes of obviousness. Specifically, the teachings of Jacobson et al. and Schenker et al. cannot properly be combined given that Jacobson et al. is concerned with creating information on a mobile computer and Schenker et al. is concerned with receiving information on a mobile computer. The teachings of Jacobson et al. and Schenker et al. cannot be combined without changing the principle of operation of at least one of the references. The Examiner asserts "it is noted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art." *Present Office Action, page 10.* As stated later in the very MPEP section relied on by the Examiner:

> However, the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose.

MPEP 2145. Jacobson et al. teaches creating information on a mobile computer. Schenker et al. teaches receiving information on a mobile computer. Combining the teachings of Jacobson et al. and Schenker et al. requires assuming that Jacobson et al. be read as receiving information on a mobile computer or Schenker et al. be read as receiving information on a mobile computer.

The Examiner is respectfully reminded that to combine the teachings of two or more prior art references to support a rejection under 35 U.S.C. § 103, there must be some suggestion or motivation to combine the teachings of the multiple references and that the combination must provide one of ordinary skill in the art with a "reasonable expectation of success" in reaching the claimed invention. *In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988)*. Further:

> A proper analysis under § 103 requires, inter alia, consideration of two factors: (1) whether the prior art would have suggested to those of ordinary skill in the art that they should make the claimed composition or device, or carry out the claimed process; and (2) whether the prior art would have also revealed that in so making or carrying out, those of ordinary skill would have a reasonable expectation of success....Both the suggestion and the reasonable expectation of success must be founded in the prior art, not in the applicant's disclosure."

In re Vaeck, 20 USPQ2d 1438, 1442 (CAFC 1991). Thus, for a combination of references to render a claimed invention obvious under 35 U.S.C. § 103, that combination must provide not only a suggestion of the present invention, but also a reasonable expectation of success in reaching that invention. If the devices cannot be combined, it is unlikely one skilled in the art would find the combination likely to successfully result in the claimed invention.

The applicants respectfully submit that there is no motivation to combine the teachings of Jacobson et al. and Schenker et al. and that there would be no reasonable expectation of success in combining the teachings of Jacobson et al. and Schenker et al. Accordingly, the applicants again submit that the combination of Jacobson et al. and Schenker et al. is improper.

However, even if the references were properly combinable, such combination still would not make obvious claims 1 and 18. As previously explained, Jacobson et al. teach a mobile productivity tool for healthcare. The mobile productivity tool includes a mobile computing device (MCD) which exerts control over a camera such that no explicit action is required by the user to establish a correct relationship between the photograph and its context. *Jacobson et al., page 11, lines 8-10.* The mobile productivity tool includes the MCD and, in some embodiments, another computer in a stationary environment, such that the MCD collected information is available for storage, review, and retrieval using the stationary computer. *Jacobson et al., page*

11, lines 23-33. Synchronization comprises synchronization of a central repository across multiple mobile computing devices:

> A fourth aspect of the present invention provides for synchronization of a central repository across multiple mobile computing devices. The devices can each be configured to hold all of the central repository, or more usually, to hold only a subset thereof. An administered identifier space is maintained to track the identifier ranges reserved for each of the mobile computing devices. Using this administered space, each device can create new records without risk that the records will be incorrectly synchronized to the central repository.

Jacobson et al., p. 8, ll. 31 – p. 9, ll. 3. The MCD can convey data from the MCD to another MCD or to another computer in a stationary environment. *Jacobson et al., page 11, lines 14-27.* To the extent Jacobson et al. include a stationary or central computer, that computer is used for the limited purposes of storage, review, and retrieval of information. See *Jacobson et al., p. 11, ll. 23-27.* At best, Jacobson et al. teach conveying data used in the MCD to a stationary computer.

Claim 1, as amended, recites: "storing, on a central computer, student record, demographic and class schedule data files and image files; storing, on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first database and said image files are stored in a second database," "synchronizing data files stored on said central computer with data files stored in the first database of said mobile computer using a conduit program between said central computer and said first database; and synchronizing image files stored on said central computer to said second database of said mobile computer by exporting the image files." Claim 18, as amended, recites: "synchronize the data files stored on said master database with data files stored in a first database of the mobile computer; and synchronize the image files stored on said master database with image files stored in a second database of the mobile computer by exporting the image files." Claim 29 recites: "storing, on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first database and said image files are stored in a second database;" "synchronizing data files stored on said central computer with data files stored in the first database of said mobile using a conduit program between said central computer and said mobile memory; and synchronizing

image files stored on said central computer to said second database of said mobile computer by exporting the image files."

At pages 8-9 of the present Office Action, the Examiner provides a table purporting to list all elements of limitations discussed in the previous response to Office Action. While the applicants thank the Examiner for such table, the applicants note that the table neither refers to a reference nor to identifying information from the reference. It appears, however, that the information listed in the table is from Jacobson et al. page 18, lines 7-31. In order to more clearly present what is taught by Jacobson et al., this text is reproduced below:

> A two tier synchronization process is used in the present invention, as shown in Figure 11. Synchronization with the MCD maintains consistent content between the MCD database and the stationary copy of the MCD's database subset. Subset synchronization synchronizes changes in the content of the sub set with the corresponding records in the full database.
>
> The invention addresses (4) by maintaining a reference copy of the MCD subset when a subset is created for use on the MCD. The reference copy is used in both synchronization steps to determine whether and how both the full database and the subset were modified between the time the subset was created and the time of each synchronization.
>
> The present invention addresses Synchronization Problem (6) by integrating software into each platform's synchronization services that normalize a view of the database information into a stationary computer's relational database representation.
>
> PALM brand operating system database records are stored in a raw binary (indexed chunk) format. The raw binary format is enhanced by superimposing a multiple field data structure onto the raw data, and treating each chunk as a record set. One of the "fields" in each record contains a globally unique record identifier. This treatment of information supports interpretation and utilization of the data records as a relational database. Software extensions built into the PALM brand OS Conduit (synchronization software that executes on the stationary computer) transform the information between the native PALM brand OS storage format and a relational database utilized by the stationary computer during the synchronization process.

> The WINDOWS CE brand database records are transformed into stationary computer databases using data access development tools supported by the WINDOWS CE brand OS manufacturer. The normalized database view is then manipulated using conventional stationary computer database technology.

Jacobson et al., p. 18, ll. 7-31. This text provides detail on the synchronization process and discusses an MCD database and a stationary copy of the MCD database subset. This text does not provide any teaching, however, of first and second databases of a mobile computer, the first database storing data files and the second database storing image files.

As previously explained, Jacobson et al. teach conveying data used in the MCD to a stationary computer. The portions of Jacobson et al. reproduced above simply expand on this teaching. The text teaches an operating system that can be used to store database records. As is clear from the very text indicated by the Examiner, information is stored in a native PALM brand OS storage format on the MCD, conveyed to a stationary computer, and synchronized on the stationary computer to transform the information into a relational data base.

Jacobsen et al. do not teach synchronizing data files stored on said central computer with data files stored in the first database of said mobile computer using a conduit program between said central computer and said first database; and synchronizing image files stored on said central computer to said second database of said mobile computer by exporting the image files. Rather, Jacobsen et al. teach a single synchronization process that involves both patient information data and patient image data. Specifically, Jacobsen et al. teach a two tier synchronization process, the first tier maintaining consistent content between the MCD database and the stationary copy of the MCD's database subset, and the second tier maintaining consistent content between the MCD database subset and the corresponding records in the full database. *Jacobson et al., page 18 , lines 7-11.* The synchronization process involves creating a database copy containing only the MCD's database subset, and using that copy to synchronize with the copy in the MCD, as well as maintaining a reference database copy to determine whether and how both the full database and the database subset were modified. *Jacobson et al., page 18 , lines 3-4, lines 13-15.* In both tiers of the process, all of the stored content, which includes both patient information and patient images, is synchronized using the same, sole disclosed synchronization process. Accordingly, Jacobsen et al. do not teach synchronizing data files

stored on said central computer with data files stored in the first database of said mobile computer using a conduit program between said central computer and said first database; and synchronizing image files stored on said central computer to said second database of said mobile computer by exporting the image files. Additionally, applicants respectfully note that there is no indication from Jacobson et al. that its two tier synchronization process would be feasible if patient information and patient storage data were stored in separate databases.

The Examiner further refers to the above-reproduced text as disclosing exporting image files. This text, however, includes no mention at all of image files on either the mobile computer or on the stationary computer much less of exporting such image files from a central computer to a mobile computer. Figure 4, reference number 408 is a digital photograph that is stored on the MCD. *Jacobson et al., page 10, lines 32-33.* As is obvious from the entire concept of the Jacobson et al. reference, the MCD is used to take a digital photograph:

> The invention relies upon usage of digital photography capable mobile computing devices ("MCD").

Jacobson et al., page 10, lines 17-18. Thus, while Figure 4 does show that a digital photograph can be taken with and stored on the MCD, it does not show "synchronizing image files stored on said central computer to said second database of said mobile computer by exporting the image files," as recited by claim 1, "synchronize the image files stored on said master database with image files stored in a second database of the mobile computer by exporting the image files," as recited by claim 18, or "synchronizing image files stored on said central computer to said second database of said mobile computer by exporting the image files," as recited by claim 29.

The Examiner refers to Figure 4 as showing different memory locations. Specifically, the Examiner asserts that "figure 4, reference number 408, it is clear from figure 4 that 408 is a different memory (location) than 409, 410, or 411." *Present Office Action, page 9.* Figure 4 illustrates different types of records that may be stored, including Patient Record 411, Visit Record 410, Encounter Record 409, and Digital Photo 408. Jacobson et al. explain:

> This combination of operations, equipment, and software cooperate to record a digital photograph, store it 408 within the MCD, and associate it contextually and relationally with the rest of

> the information during a patient visit within the encounter context (as a patient record 411, a visit record 412 [sic, 410 as indicated in Figure 4], or an encounter record 409) at the time the photograph is taken. The stored information can then be retrieved 405 from its storage location by the MCD application 403 and sent 412 to the MCD display 413 for viewing in context.

Jacobson et al., p. 10, ll. 32 – p. 11, ll. 4. Figure 4 illustrates a mobile computing device capable of digital photography. *Jacobson et al., page 10, lines 17-21.* Information about a patient encounter is stored on the MCD. Accordingly, Jacobson et al. teach only that different types of records may be stored and associated with one another. Further, Jacobson et al. is silent as to a first database and a second database on a mobile computer, the first database storing data files and the second database storing image files.

The mobile productivity tool of Jacobson et al. includes a combination of operations, equipment, and software that cooperates to record a digital photograph, store it within a mobile computing device (MCD), and associate it contextually and relationally with other information stored on the MCD, including information typically associated with a patient visit. *Jacobson et al., page 10 , line32 – page 11, line* 3. The entirety of the stored information is capable of retrieval "from its storage location" by the MCD. *Jacobson et al., page 11 , lines 4-5.* Thus, as the disclosure suggests, all data, including both patient information and patient images, is stored in a single storage location. This can be seen further with reference to the figures. As depicted in Figure 4, all files related to a patient, including patient information (409-411) and patient images (408), are housed in a single storage location, database 407. *Jacobson et al., Figure 4.* Further supporting this contention, Jacobsen et al. additionally disclose that the entirety of the data stored in an embodiment of the MCD, including patient information and patient images, is stored in the MCD's local memory. *Jacobson et al., page 11, lines 18-19.*

Accordingly, it is respectfully asserted that Jacobson et al. do not disclose, teach , or suggest "storing, on a central computer, student record, demographic and class schedule data files and image files; storing, on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first database and said image files are stored in a second database," "synchronizing data files stored on said central computer with data files stored in the first database of said mobile computer using a conduit program between said central

computer and said first database," as recited by claim 1, "synchronize the data files stored on said master database with data files stored in a first database of the mobile computer; and synchronize the image files stored on said master database with image files stored in a second database of the mobile computer by exporting the image files," as recited by claim 18, or "storing, on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first database and said image files are stored in a second database;" "synchronizing data files stored on said central computer with data files stored in the first database of said mobile using a conduit program between said central computer and said mobile memory; and synchronizing image files stored on said central computer to said second database of said mobile computer by exporting the image files," as recited by claim 29.

Schenker et al. disclose a method for tracking student attendance and student movement through the use of a data processing telecommunications network capable of receiving and processing wireless transmissions from mobile stations. A server with an associated memory is provided for storing data about students. See *Schenker et al., Col. 5, ll. 12-40.* Schenker et al. teach using mobile devices to, for example, verify student identity:

> An embodiment of the present invention employs a data processing telecommunications network having wireless communication capability, an electro-optical reader, a student identity card having encoded indicia thereon correlatable to the student's identity and readable by the electro-optical reader, and a processor for correlating confirmed student identity information with student activity information.

Schenker et al., Col. 5, ll. 4-10. At best, Schenker discloses transmitting student information, including a picture, from a mainframe computer to a mobile computer. *Schenker et al., Col. 12, lines 35-39.* Schenker et al. do not teach storing such information on the mobile computer, synchronizing data between the central computer and the mobile computer, or exporting image files to a memory of the mobile computer. Further, Schenker et al. is silent as to a first database and a second database on a mobile computer, the first database storing data files and the second database storing image files. Thus, Schenker et al. do not remedy the fundamental deficiencies of Jacobson et al.

Accordingly, the applicants respectfully assert that neither Jacobson et al. nor Schenker et al., alone or in combination, disclose, teach, or suggest "storing, on a central computer, student record, demographic and class schedule data files and image files; storing, on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first database and said image files are stored in a second database," "synchronizing data files stored on said central computer with data files stored in the first database of said mobile computer using a conduit program between said central computer and said first database," as recited by claim 1, "synchronize the data files stored on said master database with data files stored in a first database of the mobile computer; and synchronize the image files stored on said master database with image files stored in a second database of the mobile computer by exporting the image files," as recited by claim 18, or "storing, on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first database and said image files are stored in a second database;" "synchronizing data files stored on said central computer with data files stored in the first database of said mobile using a conduit program between said central computer and said mobile memory; and synchronizing image files stored on said central computer to said second database of said mobile computer by exporting the image files," as recited by claim 29. As each of the remaining claims depends either directly or indirectly from one of claims 1 and 18, it is respectfully submitted that neither Jacobson et al. nor Schenker et al., alone or in combination, make obvious these claims. Accordingly, reconsideration and allowance are respectfully requested.

CONCLUSION

This application now stands in allowable form and reconsideration and allowance are respectfully requested.

No fee is deemed necessary. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 04-1420 and notify us of same.

Respectfully submitted,

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